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Stephen Brian Morris

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05/12/2009

Kirschstein, Israel, Schiffmiller & Pieroni, P.C.

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EXAMINER

JOO, JOSHUA

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,650	Applicant(s) MORRIS, STEPHEN BRIAN	
	Examiner JOSHUA JOO	Art Unit 2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/26/05 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/29/09</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

This Office action is in response to Applicant's communication filed on 01/29/2009.

Claims 22-42 are pending for examination.

Response to Arguments

Applicant's arguments with respect to claims 22-42 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

The information disclosure statement (IDS) submitted 01/29/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the IDS is being considered by the Examiner.

Drawings

The drawings are objected to because: figures 2 and 3 are not clearly legible. The text in the windows cannot be clearly read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the

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examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 22-42 are objected to because of the following informalities:

- i) Regarding claims 22, 40-42, "at least one of the fields" should be changed to "at least one of the editable fields" to clearly refer to "editable fields".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- i) Regarding claims 22, 40-42, it is unclear as to which or what types "the types" are referring to in the claims.
- ii) Regarding claims 26-27, "the specified field" has insufficient antecedent basis. The claims recite "specifies the contents" but does not refer to specifying a field.
- iii) Regarding claim 35, it is unclear as to which or what type of RO, "the type of the RO" is referring to in the claim.
- iv) Regarding claim 38, it is unclear as which or what type of hops "the types of hop" is referring to in the claim.
- v) Regarding claim 39, it is unclear as to which or what types of group RO, "the types of group RO" is referring to in the claim.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 22-32, 34-38, 40-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Proulx et al. US Publication #2003/0137532 (Proulx hereinafter).

As per claim 22, Proulx teaches the invention as claimed including in a telecommunications network, a route object (RO) computer program product stored on a computer readable medium, comprising:

means for creating the RO for use in setting-up a connection in the telecommunications network which present a user with editable fields relating to more than one type of the RO, and allows the user to specify contents of at least one of the fields to create any one of the types of the RO defining routes through network elements of the telecommunications network (Paragraph 0040. New IP link type. Paragraph 0038. Configure IP link. Specify type of application, e.g. MPLS. Paragraph 0058. fig. 4. Fields for editing and specifying content.).

As per claim 40, Proulx teaches the invention as claimed including in a method for creating a route object (RO), comprising the steps of:

running a RO computer program stored on a computer readable medium which creates the RO for use in setting-up a connection in a telecommunications network which present a user with editable fields relating to more than one type of the RO, and specifying contents of at least one of the fields to create any one of the types of the RO defining routes through network elements of the telecommunications network

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(Paragraph 0040. New IP link type. Paragraph 0038. Configure IP link. Specify type of application, e.g. MPLS. Paragraph 0058. fig. 4. Fields for editing and specifying content.).

As per claim 41, Proulx teaches the invention as claimed including a network management system (NMS) comprising:

a route object (RO) computer program product stored on a computer readable medium including means for creating the RO for use in setting-up a connection in the telecommunications network which present a user with editable fields relating to more than one type of the RO, and allows the user to specify contents of at least one of the fields to create any one of the types of the RO defining routes through network elements of the telecommunications network (Paragraph 0040. New IP link type. Paragraph 0038. Configure IP link. Specify type of application, e.g. MPLS. Paragraph 0058. fig. 4. Fields for editing and specifying content.).

As per claim 42, Proulx teaches the invention as claimed including a method of setting up a connection of a telecommunications network, comprising the steps of:

using a route object (RO) created using a RO computer program product stored on a computer readable medium operative for creating the RO for use in setting-up a connection in the telecommunications network, and presenting a user with editable fields relating to more than one type of the RO, and allowing the user to specify contents of at least one of the fields to create any one of the types of the RO defining routes through network elements of the telecommunications network (Paragraph 0040. New IP link type. Paragraph 0038. Configure IP link. Specify type of application, e.g. MPLS. Paragraph 0058. fig. 4. Fields for editing and specifying content.).

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As per claim 23, Proulx teaches the RO computer program product according to claim 22, in which the RO presents the at least one editable field relating to a type of route defined by the RO (Paragraph 0057. Point-to-Point link. Select Link application, Link type, parameters, etc...).

As per claim 24, Proulx teaches the RO computer program product according to claim 22, in which the RO presents at least one editable field relating to at least one network element (NE) of a route through the telecommunications defined by the RO (Paragraph 0058. Configure endpoint.).

As per claim 25, Proulx teaches the RO computer program product according to claim 22, in which each type of RO comprises at least one hop, and the RO computer product presents at least one editable field relating to the at least one hop of the RO (Paragraph 0058. New endpoint, e.g. router. Paragraph 0057. Provide IP address, parameters for endpoint. Table 3.1. Link type with supported hops, one or multi-hop. Paragraph 0058. Edit interface endpoint.).

As per claim 26, Proulx teaches the RO computer program product according to claim 22, in which, when the user specifies the contents of the at least one editable field, at least one of the specified field and specified contents is used by the RO computer program product to determine which subsequent editable field is presented to the user (Paragraph 0043. Select point-to-subnet link. Make fields visible and invisible. Table 6. Fields displayed on New IP Link Form.).

As per claim 27, Proulx teaches the RO computer program product according to claim 22, in which, when the user specifies the contents of the at least one editable field, at least one of the specified field and the specified contents is used by the RO computer program product to determine at least one

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default setting of at least one subsequent editable field presented to the user (Table 6. Default value, e.g. numbering, ip forwarding, etc...).

As per claim 28, Proulx teaches the RO computer program product according to claim 22, and comprising means for modifying at least one RO (Claims 7 and 8. Paragraphs 0041; 0067; 0074. Modify or delete an IP link.).

As per claim 29, Proulx teaches the RO computer program product according to claim 22, and comprising means for copying at least one RO (Paragraph 0052. Paste existing path.).

As per claim 30, Proulx teaches the RO computer program product according to claim 22, and comprising means for storing at least one RO in a storage facility (Paragraphs 0056; 0076. Link is saved into database.).

As per claim 31, Proulx teaches the RO computer program product according to claim 22, and comprising means for deleting at least one RO (Claim 8. Paragraphs 0041; 0067; 0074. Delete an IP link.).

As per claim 32, Proulx teaches the RO computer program product according to claim 22, and comprising means for discovering at least one RO (Paragraph 0057. Link created by auto-discovery.).

As per claim 34, Proulx teaches the RO computer program product according to claim 22, and comprising means for interfacing with the user (fig. 4 and 7; paragraph 0057. GUI.).

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As per claim 35, Proulx teaches the RO computer program product according to claim 34, in which the means for interfacing presents a same interface to the user regardless of the type of the RO to be created (Paragraph 0020. Dedicated GUI.).

As per claim 36, Proulx teaches the RO computer program according to claim 34, in which the means for interfacing comprises a graphical user interface (GUI) which presents at least one window to the user, to allow the user to create the RO (fig. 4 and 7; paragraph 0057. GUI. window).

As per claim 37, Proulx teaches the RO computer program according to claim 36, in which the GUI presents a network element (NE) listing window to the user which comprises a NE context menu having a create RO menu item which brings up a window comprising a RO creation dialog box, which comprises at least one editable field relating to at least one type of RO, and the user specifies the contents of at least one of the fields to create any one of the types of RO (Paragraph 0040. Option to select link type. Paragraph 0057. Window for Point-to-Point configuration.).

As per claim 38, Proulx teaches the RO computer program product according to claim 36, in which the RO being created comprises at least one hop, and the at least one hop is added to the RO using a window comprising a hop creation dialog box, which comprises at least one editable field relating to at least one type of hop, and the user specifies the contents of at least one of the fields to create any one of the types of hop (Paragraph 0058. New endpoint, e.g. router. Paragraph 0057. Provide IP address, parameters for endpoint.).

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proulx, in view of Ahearn et al. US Patent #5,926,463 (Ahearn hereinafter).

As per claim 33, Proulx does not specifically teach the RO computer program product according to claim 22, and comprising means for discovering changes in the telecommunications network.

Ahearn teaches of an invention for managing a configuration of a computer network comprising of discovering changes in a telecommunications network (col. 8, lines 15-32; col. 10, lines 45-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to discover changes in a telecommunications network. The motivation for the suggested combination is that Ahearn's teachings would improve management in Proulx's teachings by enabling detection of faulty connections and failures in the telecommunications network.

Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Proulx, in view of White, US Publication #2003/0046657 (White hereinafter).

As per claim 39, Proulx teaches the RO computer program product according to claim 36, in which the GUI presents a network element (NE) listing window to the user which comprises a NE context menu having a create RO menu item which brings up a window comprising a creation dialog box, which comprises at least one editable field relating to at least one type of RO, and the user specifies the content

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of at least one of the fields to create any one of the types of RO (Paragraph 0040. Select link type to present form. Paragraph 0057. Display new form.). Proulx does not specifically teach of the RO being created comprising a group of RO.

White teaches of configuring a group of RO (Paragraphs 0130; 0155. Configure route group comprising a plurality of routes.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings to create a group of RO as taught by White for the above steps as taught by Proulx. The motivation for the suggested combination is that White's teachings would improve Proulx's teachings by enabling efficient configuration of devices with route information (Paragraph 0026).

Conclusion

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- i) Conrad et al. US Publication #2002/0091857 teaches of using a graphical interface to create a path by specifying path type.

A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Thursday 8AM to 5PM and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. J./

Examiner, Art Unit 2454

/Nathan J. Flynn/

Supervisory Patent Examiner, Art Unit 2454